

FIRST REGULAR SESSION

SENATE BILL NO. 17

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0043S.03I

AN ACT

To repeal sections 301.132, 301.147, 307.178, 307.350, and 307.375, RSMo, ninety-third general assembly, second regular session, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 301.132, 301.147, 307.178, 307.350, and 307.375, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 301.132, 301.147, 307.178, 307.350, and 307.375, to read as follows:

301.132. 1. For purposes of this section, "street rod" is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word "REPLICA".

3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for occasional transportation, exhibitions, club

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 activities, parades, tours, and similar uses;

18 (2) Will not be used for general daily transportation.

19 5. [In addition to the certification required pursuant to subsection 4 of
20 this section, when applying for registration of a street rod, the new owner of the
21 street rod shall provide proof that the street rod passed a safety inspection in
22 accordance with section 307.350, RSMo, that shall be approved by the department
23 of public safety in consultation with the street rod community in this state.

24 6.] On registration of a vehicle pursuant to this section, the director of the
25 department of revenue shall issue to the owner two license plates containing the
26 number assigned to the registration certificate issued by the director of revenue,
27 and the following words: "STREET ROD", "STATE OF MISSOURI". Such license
28 plates shall be kept securely attached to the motor vehicle registered pursuant
29 to this section. The director of revenue shall determine the characteristic
30 features of such license plates for vehicles registered pursuant to the provisions
31 of this section so that they may be recognized as such, except that such license
32 plates shall be made with fully reflective material with a common color scheme
33 and design, shall be clearly visible at night, and shall be aesthetically attractive,
34 as prescribed by section 301.130.

35 [7.] 6. Unless the presence of the equipment was specifically required by
36 a statute of this state as a condition of sale in the year listed as the year of
37 manufacture on the certificate of title, the presence of any specific equipment is
38 not required for the operation of a vehicle registered pursuant to this section.

39 [8. Except as provided in subsection 5 of this section,]

40 7. A vehicle registered pursuant to this section is exempt from any statute
41 of this state that requires periodic vehicle inspections and from any statute of this
42 state that requires the use and inspection of emission controls.

43 [9.] 8. A "custom vehicle" means any motor vehicle that:

44 (1) Is at least twenty-five years old and of a model year after 1948, or was
45 manufactured to resemble a vehicle twenty-five years old or older and of a model
46 year after 1948; and

47 (2) Has been altered from the manufacturer's original design, or has an
48 entire body constructed from nonoriginal materials.

49 [10.] 9. The model year and the year of manufacture that are listed on
50 the certificate of title of a custom vehicle shall be the model year and year of
51 manufacture that the body of such vehicle resembles. The current and all
52 subsequent certificates of ownership shall be designated with the word
53 "REPLICA".

54 [11.] 10. For each custom vehicle, there shall be an annual fee equal to
55 the fee charged for personalized license plates in section 301.144 in addition to
56 the regular annual registration fees.

57 [12.] 11. In applying for registration of a custom vehicle pursuant to this
58 section, the owner of the custom vehicle shall submit with the application a
59 certification that the vehicle for which the application is made:

60 (1) Will be maintained for occasional transportation, exhibits, club
61 activities, parades, tours, and similar uses; and

62 (2) Will not be used for general daily transportation.

63 [13. In addition to the certification required pursuant to subsection 12 of
64 this section, when applying for registration of a custom vehicle, the new owner
65 of the custom vehicle shall provide proof that the custom vehicle passed a safety
66 inspection in accordance with section 307.350, RSMo, that shall be approved by
67 the department of public safety in consultation with the street rod community in
68 this state.]

69 [14.] 12. On registration of a vehicle pursuant to this section, the director
70 of the department of revenue shall issue to the owner two license plates
71 containing the number assigned to the registration certificate issued by the
72 director of revenue, and the following words: "CUSTOM VEHICLE", "STATE OF
73 MISSOURI". Such license plates shall be kept securely attached to the motor
74 vehicle registered hereunder. The director of revenue shall determine the
75 characteristic features of such license plates for vehicles registered pursuant to
76 the provisions of this section so that they may be recognized as such, except that
77 such license plates shall be made with fully reflective material with a common
78 color scheme and design, shall be clearly visible at night, and shall be
79 aesthetically attractive, as prescribed by section 301.130.

80 [15.] 13. Unless the presence of the equipment was specifically required
81 by a statute of this state as a condition of sale in the year listed as the year of
82 manufacture on the certificate of title, the presence of any specific equipment is
83 not required for the operation of a vehicle registered pursuant to this section.

84 [16. Except as provided in subsection 13 of this section,]

85 14. A vehicle registered pursuant to this section is exempt from any
86 statute of this state that requires periodic vehicle inspections and from any
87 statute of this state that requires the use and inspection of emission controls.

88 [17.] 15. For purposes of this section, "blue dot tail light" is a red lamp
89 installed in the rear of a motor vehicle containing a blue or purple insert that is
90 not more than one inch in diameter.

91 [18.] 16. A street rod or custom vehicle may use blue dot tail lights for
92 stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

301.147. 1. Notwithstanding the provisions of section 301.020 to the
2 contrary, beginning July 1, 2000, the director of revenue may provide owners of
3 motor vehicles, other than commercial motor vehicles licensed in excess of twelve
4 thousand pounds gross weight, the option of biennially registering motor
5 vehicles. Any vehicle manufactured as an even-numbered model year vehicle
6 shall be renewed each even-numbered calendar year and any such vehicle
7 manufactured as an odd-numbered model year vehicle shall be renewed each
8 odd-numbered calendar year, subject to the following requirements:

9 (1) The fee collected at the time of biennial registration shall include the
10 annual registration fee plus a pro rata amount for the additional twelve months
11 of the biennial registration;

12 (2) Presentation of all documentation otherwise required by law for vehicle
13 registration including, but not limited to, a personal property tax receipt or
14 certified statement for the preceding year that no such taxes were due as set forth
15 in section 301.025, proof of [a] **any applicable** motor vehicle safety inspection,
16 and **proof of** any applicable emission inspection conducted within sixty days prior
17 to the date of application and proof of insurance as required by section 303.026,
18 RSMo.

19 2. The director of revenue may prescribe rules and regulations for the
20 effective administration of this section. The director is authorized to adopt those
21 rules that are reasonable and necessary to accomplish the limited duties
22 specifically delegated within this section. Any rule or portion of a rule, as that
23 term is defined in section 536.010, RSMo, that is promulgated pursuant to the
24 authority delegated in this section shall become effective only if it has been
25 promulgated pursuant to the provisions of chapter 536, RSMo. This section and
26 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
27 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
28 date or to disapprove and annul a rule are subsequently held unconstitutional,
29 then the grant of rulemaking authority and any rule proposed or adopted after
30 July 1, 2000, shall be invalid and void.

31 3. The director of revenue shall have the authority to stagger the
32 registration period of motor vehicles other than commercial motor vehicles
33 licensed in excess of twelve thousand pounds gross weight. Once the owner of a
34 motor vehicle chooses the option of biennial registration, such registration must
35 be maintained for the full twenty-four month period.

307.178. 1. As used in this section, the term "passenger car" means every
2 motor vehicle designed for carrying ten persons or less and used for the
3 transportation of persons; except that, the term "passenger car" shall not include
4 motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross
5 weight of twelve thousand pounds or more.

6 2. Each driver, except persons employed by the United States Postal
7 Service while performing duties for that federal agency which require the operator
8 to service postal boxes from their vehicles, or which require frequent entry into
9 and exit from their vehicles, and front seat passenger of a passenger car
10 manufactured after January 1, 1968, operated on a street or highway in this
11 state, and persons less than eighteen years of age operating or riding in a truck,
12 as defined in section 301.010, RSMo, on a street or highway of this state shall
13 wear a properly adjusted and fastened safety belt that meets federal National
14 Highway, Transportation and Safety Act requirements. No person shall be
15 stopped, inspected, or detained solely to determine compliance with this
16 subsection; **however, nothing shall prohibit a law enforcement officer**
17 **from enforcing the provisions of this section if the violation is clearly**
18 **visible to the officer without stopping the vehicle.** The provisions of this
19 section and section 307.179 shall not be applicable to persons who have a medical
20 reason for failing to have a seat belt fastened about their body, nor shall the
21 provisions of this section be applicable to persons while operating or riding a
22 motor vehicle being used in agricultural work-related activities. Noncompliance
23 with this subsection shall not constitute probable cause for violation of any other
24 provision of law **or for a search of the driver, passenger, or vehicle.** The
25 provisions of this subsection shall not apply to the transporting of children under
26 sixteen years of age, as provided in section 307.179.

27 3. Each driver of a motor vehicle transporting a child less than sixteen
28 years of age shall secure the child in a properly adjusted and fastened restraint
29 under section 307.179.

30 4. In any action to recover damages arising out of the ownership, common
31 maintenance or operation of a motor vehicle, failure to wear a safety belt in
32 violation of this section shall not be considered evidence of comparative
33 negligence. Failure to wear a safety belt in violation of this section may be
34 admitted to mitigate damages, but only under the following circumstances:

35 (1) Parties seeking to introduce evidence of the failure to wear a safety
36 belt in violation of this section must first introduce expert evidence proving that
37 a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

38 (2) If the evidence supports such a finding, the trier of fact may find that
39 the plaintiff's failure to wear a safety belt in violation of this section contributed
40 to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's
41 recovery by an amount not to exceed one percent of the damages awarded after
42 any reductions for comparative negligence.

43 5. Except as otherwise provided for in section 307.179, each person who
44 violates the provisions of subsection 2 of this section is guilty of an infraction for
45 which a fine not to exceed ten dollars may be imposed. All other provisions of law
46 and court rules to the contrary notwithstanding, no court costs shall be imposed
47 on any person due to a violation of this section. In no case shall points be
48 assessed against any person, pursuant to section 302.302, RSMo, for a violation
49 of this section.

50 6. The state highways and transportation commission shall initiate and
51 develop a program of public information to develop understanding of, and ensure
52 compliance with, the provisions of this section. The commission shall evaluate
53 the effectiveness of this section and shall include a report of its findings in the
54 annual evaluation report on its highway safety plan that it submits to NHTSA
55 and FHWA pursuant to 23 U.S.C. 402.

56 7. If there are more persons than there are seat belts in the enclosed area
57 of a motor vehicle, then the passengers who are unable to wear seat belts shall
58 sit in the area behind the front seat of the motor vehicle unless the motor vehicle
59 is designed only for a front-seated area. The passenger or passengers occupying
60 a seat location referred to in this subsection is not in violation of this
61 section. This subsection shall not apply to passengers who are accompanying a
62 driver of a motor vehicle who is licensed under section 302.178, RSMo.

307.350. 1. The owner of every motor vehicle as defined in section
2 301.010, RSMo, which is **domiciled, primarily operated, registered, or**
3 required to be registered in [this state] **a nonattainment area described in**
4 **section 643.305, RSMo**, except:

5 (1) New motor vehicles which have not been previously titled and
6 registered, for the two-year period following their model year of manufacture;

7 (2) Those motor vehicles which are engaged in interstate commerce and
8 are proportionately registered in this state with the Missouri highway reciprocity
9 commission, although the owner may request that such vehicle be inspected by
10 an official inspection station, and a peace officer may stop and inspect such
11 vehicles to determine whether the mechanical condition is in compliance with the
12 safety regulations established by the United States Department of Transportation;

13 and

14 (3) Historic motor vehicles registered pursuant to section 301.131, RSMo;
15 shall submit such vehicles to a biennial inspection of their mechanism and
16 equipment in accordance with the provisions of sections 307.350 to 307.390 and
17 obtain a certificate of inspection and approval and a sticker, seal, or other device
18 from a duly authorized official inspection station. The inspection, except the
19 inspection of school buses which shall be made at the time provided in section
20 307.375, shall be made at the time prescribed in the rules and regulations issued
21 by the superintendent of the Missouri state highway patrol; but the inspection of
22 a vehicle shall not be made more than sixty days prior to the date of application
23 for registration or within sixty days of when a vehicle's registration is
24 transferred. Any vehicle manufactured as an even-numbered model year vehicle
25 shall be inspected and approved pursuant to the safety inspection program
26 established pursuant to sections 307.350 to 307.390 in each even-numbered
27 calendar year and any such vehicle manufactured as an odd-numbered model year
28 vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390
29 in each odd-numbered year. The certificate of inspection and approval shall be
30 a sticker, seal, or other device or combination thereof, as the superintendent of
31 the Missouri state highway patrol prescribes by regulation and shall be displayed
32 upon the motor vehicle or trailer as prescribed by the regulations established by
33 him. The replacement of certificates of inspection and approval which are lost or
34 destroyed shall be made by the superintendent of the Missouri state highway
35 patrol under regulations prescribed by him.

36 2. For the purpose of obtaining an inspection only, it shall be lawful to
37 operate a vehicle over the most direct route between the owner's usual place of
38 residence and an inspection station of such owner's choice, notwithstanding the
39 fact that the vehicle does not have a current state registration license. It shall
40 also be lawful to operate such a vehicle from an inspection station to another
41 place where repairs may be made and to return the vehicle to the inspection
42 station notwithstanding the absence of a current state registration license.

43 3. No person whose motor vehicle was duly inspected and approved as
44 provided in this section shall be required to have the same motor vehicle again
45 inspected and approved for the sole reason that such person wishes to obtain a
46 set of any special personalized license plates available pursuant to section
47 301.144, RSMo, or a set of any license plates available pursuant to section
48 301.142, RSMo, prior to the expiration date of such motor vehicle's current
49 registration.

50 4. Notwithstanding the provisions of section 307.390, violation of this
51 section shall be deemed an infraction.

 307.375. 1. The owner of every bus used to transport children to or from
2 school in addition to any other inspection required by law shall submit the vehicle
3 to an official inspection station **or an inspection conducted by the state**
4 **highway patrol or by any entity approved by the state highway patrol**,
5 and obtain a certificate of inspection, sticker, seal or other device annually, but
6 the inspection of the vehicle shall not be made more than sixty days prior to
7 operating the vehicle during the school year. The inspection shall, in addition to
8 the inspection of the mechanism and equipment required for [all] motor vehicles
9 under the provisions of sections 307.350 to 307.390, include an inspection to
10 ascertain that the following items are correctly fitted, adjusted, and in good
11 working condition:

- 12 (1) All mirrors, including crossview, inside, and outside;
- 13 (2) The front and rear warning flashers;
- 14 (3) The stop signal arm;
- 15 (4) The crossing control arm on public school buses required to have them
16 pursuant to section 304.050, RSMo;
- 17 (5) The rear bumper to determine that it is flush with the bus so that
18 hitching of rides cannot occur;
- 19 (6) The exhaust tailpipe shall be flush with or may extend not more than
20 two inches beyond the perimeter of the body or bumper;
- 21 (7) The emergency doors and exits to determine them to be unlocked and
22 easily opened as required;
- 23 (8) The lettering and signing on the front, side and rear of the bus;
- 24 (9) The service door;
- 25 (10) The step treads;
- 26 (11) The aisle mats or aisle runners;
- 27 (12) The emergency equipment which shall include as a minimum a first
28 aid kit, flares or fuses, and a fire extinguisher;
- 29 (13) The seats, including a determination that they are securely fastened
30 to the floor;
- 31 (14) The emergency door buzzer;
- 32 (15) All hand hold grips;
- 33 (16) The interior glazing of the bus.

34 2. In addition to the inspection required by subsection 1 of this section,
35 the Missouri state highway patrol shall conduct an inspection after February first

36 of each school year of all vehicles required to be marked as school buses under
37 section 304.050, RSMo. This inspection shall be conducted by the Missouri
38 highway patrol in cooperation with the department of elementary and secondary
39 education and shall include, as a minimum, items in subsection 1 of this section
40 and the following:

- 41 (1) The driver seat belts;
- 42 (2) The heating and defrosting systems;
- 43 (3) The reflectors;
- 44 (4) The bus steps;
- 45 (5) The aisles;
- 46 (6) The frame.

47 3. If, upon inspection, conditions which violate the standards in subsection
48 2 of this section are found, the owner or operator shall have them corrected in ten
49 days and notify the superintendent of the Missouri state highway patrol or those
50 persons authorized by the superintendent. If the defects or unsafe conditions
51 found constitute an immediate danger, the bus shall not be used until corrections
52 are made and the superintendent of the Missouri state highway patrol or those
53 persons authorized by the superintendent are notified.

54 4. The Missouri highway patrol may inspect any school bus at any time
55 and if such inspection reveals a deficiency affecting the safe operation of the bus,
56 the provisions of subsection 3 of this section shall be applicable.

Section B. The repeal and reenactment of sections 301.132, 301.147,
2 307.350, and 307.375 shall become effective January 1, 2008.

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